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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,176	07/20/2000	Baber Amin	1909.2.73A	3893

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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,176

Applicant(s)

AMIN ET AL.

Examiner

Andrew Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-20 are pending.
2. The IDS received on 7/20/2000 has been received and considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 19 contains the trademark/trade name Novell. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a network transport model and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4, 6-9, 12, 14-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tumblin et al US Patent No. 6,490,679. Tumblin teaches a system for seamless integration of application programs with security key infrastructure.

6. With regards to claims 1 and 7, Tumblin teaches the receiving of application data at an upper connection level (Tumblin, column 9 lines 38-44, Figure 7 Item 210), passing the application data from the upper connection layer to a security layer (Tumblin, column 8 lines 19-21 and Figure 7 Item 210), encrypting the application data within the security layer (Tumblin, column 8 lines 45-53), passing the encrypted application data from the security layer (Tumblin, Figure 7 Item 290) to a lower connection layer (Tumblin, column 9 lines 45-49 and Figure 7), and sending the encrypted application data from a lower connection layer out a network connection (Tumblin, column 9 lines 45-49 and Figure 7). The application disclosed by Tumblin is not required to perform security handshakes in order to send encrypted application data over the network (Tumblin, column 9 lines 50-53 and column 8 lines 10-11), the connection layer supports at least one network transport protocol and the security layer is not specific to the transport protocol (Tumblin, column 8 lines 19-22).

7. With regards to claims 2 and 16, Tumblin teaches receiving encrypted application data at the lower connection layer which came in at the network connection (Tumblin, column 9 lines 38-49, Figures 2 and 7), decrypting the application data within the security layer (Tumblin, column 9 lines 39-45), passing the decrypted application data from the upper connection layer to the application (Tumblin, column 8 lines 19-20, column 9 lines 39-49, Figures 2 and 7) without requiring that the application perform a security handshake (Tumblin, column 9 lines 50-53 and column 8 lines 10-11).
8. With regards to claim 6, Tumblin teaches the security layer informing the connection layers of the security handshake proceedings (Tumblin, column 8 lines 53-57).
9. With regards to claims 8-9 and 17, Tumblin teaches connection layers comprising code for performing a WinSock network transport protocol (Tumblin, column 8 lines 19-22) and a Secure Socket Layer Session (Tumblin, column 7 lines 16-20).
10. With regards to claim 12, Tumblin teaches the security layer and at least one of the connection layers identifying a particular application and its cryptographic properties (Tumblin, column 8 lines 19-27 and 45-53).
11. With regards to claims 4 and 14, Tumblin teaches a means for establishing a secure connection using a specified handshake mode (Tumblin, column 7 lines 16-20 and column 8 lines 19-22).
12. With regards to claim 15, Tumblin teaches a legacy application that performs security handshakes (Tumblin, column 6 lines 15-24) and security module that supports a secure connection to the legacy application (Tumblin, column 6 lines 22-24).

13. With regards to claim 18, Tumblin teaches the receiving of the encrypted application data at the lower connection layer using a transport model (Tumblin, column 8 lines 10-22).

14. With regards to claim 20, Tumblin teaches a secure network communications protocol stack interface which is callable from at least the lower connection layer (Tumblin, column 9 lines 38-60).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tumblin et al US Patent No. 6,490,679 in view of SSL-Talk List FAQ Secure Sockets Layer Discussion List FAQ v1.1.1 ("SSL-Talk List FAQ").

17. With regards to claim 3, Tumblin, as described above, fails to teach the lower connection layer establishing a connection with a handshake mode that is at least one of an interactive mode and a blind-root accept mode. The SSL-Talk List FAQ teaches the use of an interactive mode when establishing a connection with a handshake (SSL-Talk FAQ, Section 5.3). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the FAQ's suggested interactive

mode because it allows a user to override a failed attempt to authenticate a server (SSL-Talk FAQ, Section 5.3).

18. With regards to claim 10, Tumblin as modified fails to teach the connection layer performing transport layer security sessions. The SSL-Talk List FAQ teaches the inclusion of Transport Layer Security protocols within secure communication systems (SSL-Talk List FAQ, Section 6.2.1).

19. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tumblin et al US Patent No. 6,490,679 in view of Samar US Patent No. 6,304,974. Tumblin, as described above, fails to teach the changing of a list of trusted roots for a secure connection. Samar teaches the changing of a list of trusted roots (Samar, column 7 line 53 – column 8 line 7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Samar's method of updating lists of trusted roots because it can allow a user to avoid a particular certificate authority if the user does not have confidence in their entity authentication (Samar, column 2 lines 4-13).

20. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tumblin et al US Patent No. 6,490,679 in view of Novell NetWare Connection Enhanced NetWare 5 "What's Enhanced in NetWare 5." Tumblin, as described above, fails to teach an application comprising code for providing lightweight directory access protocol services. "What's Enhanced in NetWare 5" teaches the inclusion of

applications providing LDAP services using a transport protocol in the form of a Novell transport ("What's Enhanced in NetWare 5", Section "Lightweight Directory Access Protocol LDAP support"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the enhanced defined by "What's Enhanced in NetWare 5" because it offers the advantage of allowing users to easily access X.500 based directories such as NDS.

21. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tumblin et al US Patent No. 6,490,679 in view of Microsoft Security Advisor SSL Specific WSAIoctl Controls ("MS SSL Advisor"). Tumblin, as described above, fails to teach the identifying of a function as a call back function. The MS SSL Advisor teaches the use of a call back function (MS SSL Advisor, Page 1/15, Paragraph 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the MS SSL Advisor's call back function because it offers the advantage of allowing the service provider to access security information from the application as it considers necessary (MS SSL Advisor, Page 1/15, Paragraph 2).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. Spies et al US Patent No 5,689,565 discloses a cryptography system and method for providing cryptographic services for a security application.

Art Unit: 2134

24. Richardson et al US Patent No. 5,922,074 discloses a method and apparatus for providing secure distributed directory services and public key infrastructure.

25. Any inquiry regarding this communication from the examiner should be directed to Andrew Nalven at (703) 305-8407 during the hours of 7:15 AM – 4:45 PM Monday through Thursday. The examiner can also be reached on alternate Fridays.

In the event that attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308 – 4789.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or:

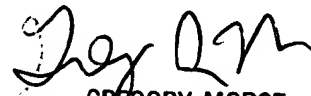
(703) 872-9306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Nalven

AN


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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